IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7017 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JAIDEVLAL F. BAROT

Versus

STATE OF GUJARAT

Appearance:

MR BP TANNA for Petitioner

Mr L.R.Pujari, AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE C.K.THAKKAR

Date of decision: 18/02/2000

ORAL JUDGEMENT

This petition is filed for quashing and setting aside the order dated July 13, 1988 at Annexure `H' to the petition. By the said order, the petitioner who retired from service with effect from November 30. 1986 was held guilty for committing certain irregularities. Inquiry was instituted against him and he was found guilty. A

report to that effect was submitted by the Inquiry Officer which was accepted by the Government. As per the finding recorded in the said report, it was established that out of two charges, first charge was held proved ; whereas, second charge was held not proved.

After considering the facts and circumstances, Government observed that by wrongly interpreting the resolutions of the Government, the petitioner had regularised certain illegal constructions and thereby, extended benefits to the unauthorized encroachers to which they were not entitled. It was, therefore, decided to reduce pension of the petitioner to the extent of of Rs. 90/-per month for a period of ten months.

Petition was admitted, Rule was issued and the matter was expedited ,but no interim relief was granted.

The petition is of 1988 and the order was passed on July 13, 1988. Though Rule was issued, no interim order was made. Even otherwise also, when charge No.1 was proved , the impugned order for reduction of pension cannot be said to be contrary to law, arbitrary or otherwise unreasonable. It was also stated that the petitioner has expired. Be that as it may , in the facts and circumstances, in my opinion, petition deserves to be dismissed as there is no error of law and/or of jurisdiction committed by the Government in passing the impugned order. Petition is accordingly dismissed. Rule discharged. No order as to costs.

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parekh